



## Board Direction

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**Ref: 20.RL3430**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 8<sup>th</sup> March 2016.

Generally in accordance with the recommendation of the Inspector, the Board decided that the provision of signs at O' Connor's Bar and The Friary Restaurant, Tulsk, County Roscommon, is development and is not exempted development.

**WHEREAS** a question has arisen as to whether the provision of signs at O'Connor's Bar and The Friary Restaurant, Tulsk, Co. Roscommon is or is not development or is or is not exempted development:

**AND WHEREAS** Mr. Eugene O'Connor, care of Vitruvius Hibernicus of Convent Road, Longford, requested a declaration on this question from Roscommon County Council and the Council issued a declaration on 22<sup>nd</sup> October 2015, stating that the said matter is development and is not exempted development:

**AND WHEREAS** Mr. Eugene O'Connor referred the declaration for review to An Bord Pleanála on 3<sup>rd</sup> November, 2015:

**AND WHEREAS** An Bord Pleanála, in considering this referral, had regard particularly to -

- (a) Sections 2(1), 3(1), 3(2) and 4 of the Planning and Development Act, 2000, as amended,
- (b) the definitions of "advertisement", "advertisement structure", "land" and "structure", as set out in Section 2(1) of the Act,
- (c) Articles 6 and 9 of the Planning and Development Regulations, 2001, as amended,
- (d) Classes 1, 2, 4, 5, 6, 11 and 13 of Part 2 of Schedule 2 to these Regulations, and
- (e) the reports of the planning authority and of the Inspector:

**AND WHEREAS** An Bord Pleanála has concluded that -

- (i) the letters “Restaurant” painted onto the south-eastern roof slope of the bar/restaurant building constitute an advertisement within the meaning of Section 2(1) of the Planning and Development Act, 2000, which has resulted in this structure becoming used for the exhibition of an advertisement, and the use of the land has, therefore, materially changed, and constitutes development, in accordance with Section 3(2) of the Act,
- (ii) the following each constitute advertisements as defined in Section 2(1) of the Act, the installation or erection of which required the carrying out of works, and therefore, constitute development:
  - A. “The Friary Café and Restaurant” sign on the roof of the single-storey lean-to extension at the south-eastern elevation of the bar/restaurant,
  - B. the “Restaurant” sign displayed on the flagpole at the south-western side of the property along the N5,
  - C. the three banner signs stating “bar”, “lotto” and “shop” affixed to the south-western elevation of the shop and bar/restaurant facing the N5,
- (iii) all of these signs might come within the scope of Class 1 of Part 2 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (iv) however, the “Restaurant” advertisement painted on the roof, of approximately 10 m<sup>2</sup>, and “The Friary Café and Restaurant” sign, considerably exceed both Conditions and Limitations 1 and 2 in respect of total area, irrespective of whether the signs are considered to be displayed to the front or to the side of the premises; furthermore, the height of the “Restaurant” lettering on the roof would fail to comply with the restrictions under Conditions and Limitations 4(b) and 8 in relation to overall height, and height of lettering, respectively,
- (v) the “Restaurant” sign on the flagpole is approximately 5 m in height, and would exceed Condition and Limitation 4(a), and
- (vi) the three banner signs attached to the shop would each exceed Conditions and Limitations 4(b) and 8 in relation to height above ground level, and height of lettering, respectively:

**NOW THEREFORE** An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the provision of signs at O’ Connor’s Bar and The Friary Restaurant, Tulsk, County Roscommon, is development and is not exempted development.

Board Member: \_\_\_\_\_ Date: 19<sup>th</sup> April 2016  
Fionna O’ Regan